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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,878	06/27/2003	Ramez E.N. Shehada	064693-0070	7081
7590 10/19/2005 MCDERMOTT, WILL & EMERY Suite 3400 2049 Century Park East Los Angeles, CA 90067			EXAMINER IMAM, ALI M	
			ART UNIT 3737	PAPER NUMBER

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/607,878	Applicant(s) SHEHADA, RAMEZ E.N.	
	Examiner Ali Imam	Art Unit 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the amendment filed 7/27/2005, all necessary changes to the claims have been entered.

Claim Rejections - 35 USC § 102

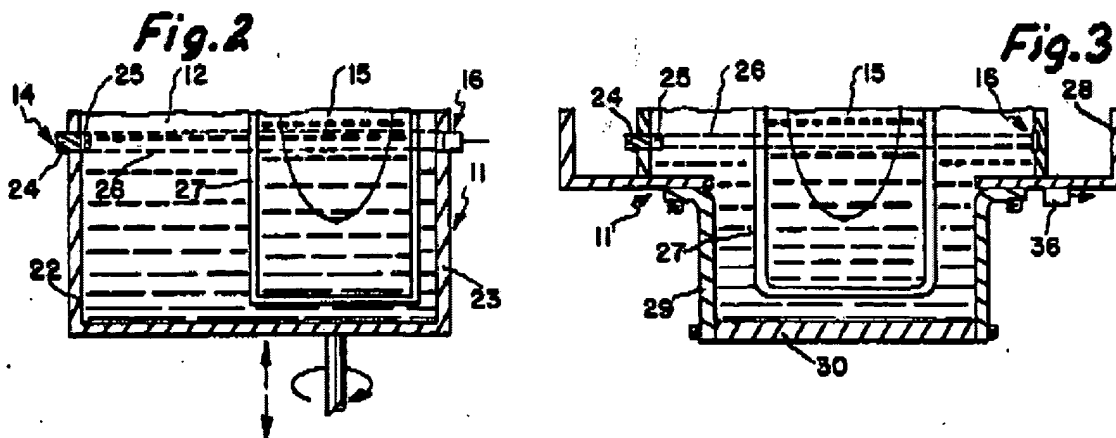
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9, 14, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Glover (US 4,075,883 of record).

In regard to claims 1-5, and 24, Glover teaches in Figs. 2 and 3 (reproduced below) a breast tomography scanner comprising a stationary chamber (11) configured to hold fluid; a movable chamber (27) having an upper rim (see Fig. 3) within the stationary chamber configured to hold fluid, to move relative to the stationary chamber (11), and to receive a breast; and breast scanning apparatus including an ultrasonic transmitter (14) and an ultrasonic receiver (16).



In regard to claims 6 and 7, Glover teaches the rotation capability of the scanner (col. 4, lines 35-36 and Fig. 2).

In regard to claims 8 and 9, Glover teaches holes within the movable chamber for fluid to flow (col. 4, lines 60-64).

In regard to claim 14, Glover teaches a shaft (col. 4, line 52).

In regard to claims 21-23, Glover's scanner inherently includes electrical wires. Furthermore, protecting the wires from fluid contact is an inherent maintenance features.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-13, 15-20, and 25-32, rejected under 35 U.S.C. 103(a) as being unpatentable over Glover (US 4,075,883 of record) in view of Gardineer et al. (US 4,341,222 of record).

Glover teaches all the limitations of the claimed subject matter except for mentioning specifically the arrangement of a tabletop, a pump, a drain, and a special arrangement for collecting fluid and directing fluid towards the drain.

Gardineer teaches in Figs. 1-12, a tabletop, a pump, a drain, and a special arrangement for collecting fluid and directing fluid towards the drain.

Therefore, it would have been obvious to an ordinary skill in the art, at the time the invention was made modify Glover's ultrasonic breast scanning apparatus so that it includes all

the features and arrangement mentioned above in order to improve and ease ultrasonic breast tomography.

Response to Arguments

6. Applicant's arguments filed 7/27/5 have been fully considered but they are not persuasive. Applicant's core argument is that the applied references do not teach a moveable inner chamber within a stationary chamber. The examiner respectfully disagrees. Glover teaches in Figs. 2 and 3 (reproduced above) a breast tomography scanner comprising a stationary chamber (11) configured to hold fluid; a movable chamber (27) having an upper rim (see Fig. 3) within the stationary chamber configured to hold fluid, to move relative to the stationary chamber (11).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dick et al. (US 4,233,988 of record) teaches an ultrasonic breast tomography apparatus which could have been used as a 102 or 103 reference (see Fig. 2).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Imam whose telephone number is 571-272-4737. The examiner can normally be reached on Mon. - Th., 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ali Imam
Primary Examiner
Art Unit 3737

AI
10/17/5